

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649
ph: (508) 539-1400

October 6, 2014

AGENDA BOARD OF SELECTMEN MONDAY, OCTOBER 6, 2014

6:30 p.m. – Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following:

Monday, September 22, 2014 – Regular and Executive Session

APPOINTMENTS & HEARINGS

6:30 Public Comment

6:40 Library Board of Trustees – Joint Appointment – **Vote of Both Boards Required**

presentation and Vote to Support Save the Bays' Grant Application for Popponesset Spit – **Vote Requested**

Andrew McManus – Grant Support - Johns Pond Fish Ladder – **Vote Requested**

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

- Rescind Vote to Accept Resignation of William Taylor as Waterways Commission Member – **Vote Required**
- Rescind Vote of September 22, 2014 for SMART Program (Pay-as-You-Throw); Set Date for Public Forum – **Vote Required**

NEW BUSINESS

- Mashpee Taxi – Request to Adjust Regulations: Hours, Fees, and Residency Requirement – **Vote Required for Any Changes**
- Change of Hours for Sunday Sales (10:00 a.m.) for the Following Off-Premise Retail Licenses: - **Vote Required**

Andy's Market Liberty Liquors
The Barn Mashpee Mart
Best Buy Beverage South Cape Wine & Spirits
Commons Convenience

- Request for Appointment to Fill Vacancy on Mashpee Wakeby Lake Management Committee - Donald MacDonald – **Vote Required**

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Request for Support of Community Innovation Challenge (CIC) Grant – Creation of Regional Unified Communications System for Cape Cod Towns

- Vacancy Request: DPW/School – Custodian – **Vote Required**

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed.)

LIAISON REPORTS

EXECUTIVE SESSION

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Present: Selectman Taylor, Selectman Richardson, Selectman Sherman,
Selectman Cahalane, Selectman Gottlieb
Town Manager Joyce Mason
Assistant Town Manager Tom Mayo

Meeting Called to Order by Chairman Taylor at 6:30 p.m.
Waquoit Meeting Room, Mashpee Town Hall

MINUTES:

Monday, September 22, 2014 – Regular & Executive Session:

Motion made by Selectman Cahalane to approve the Regular & Executive Session minutes of Monday, September 22, 2014 as presented.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Public Comment:

Charles Gasior of 186 Dunrobin Road, Mashpee read aloud a statement dated October 6, 2014 relative to the Pay As You Throw (PAYT) also known as the Save Money And Reduce Trash (SMART) program. (Enclosure; Official Town Clerk's copy of the minutes)

With regards to the PAYT, Greg McKelvey expressed appreciation to Selectman John Cahalane for doing what the voters expected of him, to vote against the implementation of the program and recommending the citizens of Mashpee at Town Meeting decide on this matter. Mr. McKelvey in concern indicated the remainder of the Board of Selectmen in voting to implement the PAYT should have waited for a ballot referendum.

Mr. McKelvey also stated the last Selectman's agenda was not transparent. In concern Mr. McKelvey indicated the voters want transparency, so they do not have to second-guess what topics the Selectmen are scheduled to discuss.

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APPOINTMENTS & HEARINGS:

Public Comment: (continued)

Costs associated to the PAYT or SMART program were also reviewed. Mr. McKelvey estimated that he would be paying nearly \$500 per year for waste disposal, an increase of 300% to 400% than what he is currently compensating for waste disposal. The enactment of the program would also impact the elderly and those on a fixed income stated Mr. McKelvey who recommended the Selectmen consider placing this question as referendum to let the voters decide the outcome.

Mashpee resident Phyllis Sprout stated that she is shocked by the vote of the Board of Selectmen to support the PAYT. Ms. Sprout indicated she was unaware the SMART program was the PAYT, and that it was unfair for the Board to use the acronym on the agenda. Ms. Sprout said the program would create a pinch in the Town, and that it is not good for her family or the Town of Mashpee.

Earnie Barrows also spoke in concern to the PAYT program. Mr. Barrows expressed appreciation to Selectman Cahalane for speaking on behalf of the Town at the last meeting. Mr. Barrows indicated the program is not good for the townspeople, and he is aware that a lot of the people in the Town of Sandwich are not supportive of this program. Mr. Barrows anticipates his family of four to generate 10 bags of weekly trash. He asked how the Town would help residents save money and further, stop illegal dumping. In closing Mr. Barrows stated the Selectmen work for the people and therefore, they should do what they are asked to do.

Presentation and Vote to Support Save the Bays' Grant Application for Popponesset Spit:

In late June, Selectman Richardson and Selectman Gottlieb met with representatives from Save the Bay and the Woods Hole Group regarding a joint partnership to save the Popponesset Spit from erosion by applying for a grant through the Massachusetts Office of Coastal Zone Management. Ken Bates was also in attendance for discussion purposes representing the Town's Waterways Commission. Mr. Bates recommended approval of the grant application.

The CZM grant would fund design and permitting for a restoration project that would improve the dune and provide nourishment to the beach along the Popponesset Spit. Representatives from Save the Bay and the Woods Hole Group (WHG) were present to request the Town submit of a letter in support to be included with the grant application.

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APPOINTMENTS & HEARINGS:

Presentation and Vote to Support Save the Bays' Grant Application for Popponesset Spit:
(continued)

An overview of the Popponesset Spit, its risk profile, and recommended design configuration to enhance and restore the dune, provide beach nourishment and improve navigation was considered in discussions to improve the resilience of the Spit. (Enclosure; Power Point presentation)

The application for this award, up to \$1.5 million in total funding for the project is due by Friday, October 10, 2014. It was disclosed the grant if secured will require a 25% match; (cash or in-kind services or a combination of the two) which would be assumed by Save the Bay, a 501c organization. There is no financial commitment from the Town. The long term commitment of the Town would be to continue the maintenance-dredge and related

nourishment projects.

It was agreed there has been a dramatic change in the Spit over time due to the increase in tides, storm levels and intensity. Although the objective is to hold the shoreline, and take the risk to restore the dune and provide beach nourishment, thought should be given more broadly with respect to weather patterns and rising tides as the shoreline with the implementation of natural or nonstructural approaches to mitigating coastal erosion and flooding may not remain in its current state.

Motion made by Selectman Richardson to send a letter of support to accompany the FY15 Green Infrastructure for Coastal Resilience Grant Program through the CZM as referenced giving thought to the broadened scope.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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APPOINTMENTS & HEARINGS:

Andrew McManus – Grant Support – John’s Pond Fish Ladder:

Mashpee’s Conservation Agent Andrew McManus was in attendance to discuss the fish ladder at the John’s Pond Conservation Area which lies adjacent to the John’s Pond Town beach.

Due to pond seepage the fish ladder built in the 1990’s and its concrete structure is being undermined, and embankments on the streamside of the ladder are eroding. The situation has caused an influx of sediment into the Quashnet River, and as a result will soon destabilize the existing vegetation along the embankments. It was explained the fish ladder is part of a large and active herring run, and the structure requires constant monitoring and maintenance.

Mr. McManus requested the Selectmen support a grant application through the Green Infrastructure for the Coastal Resilience Grant program being offered through the Massachusetts Office of Coastal Zone Management to fund the repairs/construction of the John’s Pond Fish Ladder. The grant deadline is October 24, 2014 and requires a 25% commitment from the Town if the grant is secured.

A quotation in the amount of \$5,000 was received from the engineering firm of Tighe & Bond to complete the \$350,000 grant application on behalf of the Town.

Motion made by Selectman Gottlieb to approve the grant application to CZM for the repair and construction of the John’s Pond Fish Ladder, and authorize a contract with Tighe & Bond, engineers to complete the grant application on behalf of the Town of Mashpee.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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OLD BUSINESS:

Rescind Vote to Accept Resignation of William Taylor as Waterways Commission Member:

As a result of an oversight, the Board of Selectmen was requested to rescind past action regarding the perceived resignation of William Taylor as a member of the Waterways Commission. As per a memorandum of September 24, 2014 from the Waterways Chair, Ken Bates has indicated Mr. Taylor wishes to secure his membership status.

**Motion made by Selectman Cahalane to re-appoint William Taylor to the Waterways Commission.
Motion seconded by Selectman Richardson.**

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Rescind Vote of September 22, 2014 for SMART Program (Pay As You Throw); Set Date for Public Forum:

Due to the apparent controversy regarding past action, the Board of Selectmen agreed to rescind their vote of September 22, 2014 relative to the SMART also known as PAYT program.

**Motion made by Selectman Richardson to rescind the vote of September 22, 2014 proposed to implement the SMART/PAYT program structured over a three-year period.
Motion seconded by Selectman Gottlieb.**

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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OLD BUSINESS:

Rescind Vote of September 22, 2014 for SMART Program (Pay As You Throw); Set Date for Public Forum:(continued)

It was determined that a Public Forum would be held on Wednesday, October 15, 2014 at 6:30 p.m. in the auditorium of the Mashpee High School to discuss the PAYT /SMART program.

At the forum, the public will have the opportunity to give input into this matter.

It was agreed the forum would be advertised in the *Mashpee Enterprise*, on the Town's website and on the Mashpee cable television channel.

Nicole Bartlett, Sampson's Mills Road asked if the Board would vote on this matter at the forum. In response, the Chairman of the Board of Selectmen indicated that at a later date, after the public forum, the Board of Selectmen would vote to act on this matter.

NEW BUSINESS:

Mashpee Taxi – Request to Adjust Regulations: Hours, Fees and Residency Requirement:

The Board of Selectmen met with Denise Leigh of Mashpee Taxi to review the Town's current taxi regulations. Ms. Leigh submitted a memorandum to the Board dated September 10, 2014 with respect to this regard.

As noted, Ms. Leigh has been operating the Town's only taxi service for the past eighteen months. Town regulations require a taxi company to provide twenty-four hours per day, of year round service. Ms. Leigh, the sole operator of her company respectfully requested the Board consider reducing the hours to a minimum of eight hours per day.

The Town of Mashpee regulations also require a taxi service owner to reside in Mashpee. Due to the cost of housing, Ms. Leigh lives in a neighboring community. It was also noted the Town of Falmouth regulations stipulate a higher meter rate than the Town of Mashpee for all taxis. Ms. Leigh requested the Selectmen raise the meter rate to maintain consistency with the Town of Falmouth. Presently, Mashpee Taxi is operating as the lowest rate taxi serving Cape Cod due to Town of Mashpee regulations.

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NEW BUSINESS:

Mashpee Taxi – Request to Adjust Regulations: Hours, Fees and Residency Requirement: (continued)

Discussion followed with respect to this regard. It was recommended the owner secure a post office box in the Town of Mashpee for the referenced business.
After review, the Board took the following action;

Motion made by Selectman Cahalane to issue a temporary variance to Mashpee Taxi on the residency requirement or Town business requirement.

Motion seconded by Selectman Gottlieb.

Motion amended to include the following action;

Motion made by Selectman Cahalane to add to the motion;

The variance shall remain in effect until it is rescinded by the Board of Selectmen or until such time the Selectmen receive a subsequent application.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes

Selectman Richardson, yes

Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Motion made by Selectman Cahalane to set the minimum hours of operation of Mashpee Taxi from 6:00 a.m. to 8:00 p.m.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Motion made by Selectman Gottlieb to amend the Taxi Regulations by changing the Rate of Fare consistent with the Town of Falmouth;

First 2/5th mile = \$3.00, each additional 1/5th mile = \$0.65.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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NEW BUSINESS:

Change of Hours for Sunday Sales (10:00 a.m.) for the Following Off-Premise Retail Licenses: Andy's Market, The Barn, Best Buy Beverage, Commons Convenience, Liberty Liquors, Mashpee Mart, South Cape Wine & Spirits:

The Board of Selectmen acting as the licensing authority for the Town of Mashpee received an advisory from the Alcoholic Beverages Control Commission dated September 8, 2014 as follows; effective October 23, 2014, off-premises retail alcoholic beverages licensees will be permitted to sell alcoholic beverages beginning at 10:00 a.m. on Sundays providing the licensees notify the local licensing authorities about the change of hours.

The above referenced off-premise retail liquor licensed establishments remitted communication to the Board of Selectmen regarding the change of Sunday hours.

Motion made by Selectman Cahalane to approve the following off-premise retail licenses to sell alcoholic beginning at 10:00 a.m. on Sundays effective October 23, 2014;

**Andy's Market
The Barn
Best Buy Beverage
Commons Convenience
Liberty Liquors
Mashpee Mart
South Cape Wine & Spirits**

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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Request for Appointment to Fill Vacancy on Mashpee Wakeby Lake Management Committee – Donald MacDonald:

In response to advertisement, a letter of interest was received from Don MacDonald dated September 16, 2014 requesting to become a member to the Mashpee Wakeby Lake Management Committee. Mr. MacDonald is also a member of the Waterways Commission and a member of the Lakewood Association involved in maintaining the beach and dock.

Motion made by Selectman Gottlieb to appoint Donald MacDonald to the Mashpee Wakeby Lake Management Committee.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Request for Support of Community Innovation Challenge (CIC) Grant – Creation of Regional Unified Communications System for Cape Cod Towns:

Correspondence was received from Kristy Senator, Deputy Director of the Cape Cod Commission via email dated September 23, 2014 requesting a letter of support for a Community Innovation Challenge Grant for \$150,000 to create a regional unified communications system for Cape Cod towns.

The Cape Cod Commission and Barnstable County are partnering to submit the application which would merge phone and data networks by leveraging existing IT infrastructure to provide telephone services, integrated voice mail and email, video conferencing, instant messaging and integration with mobile devices.
The deadline to submit the application is October 10, 2014.

Motion made by Selectman Cahalane to support the Community Innovation Challenge Grant to create a regional unified communications system.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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NEW BUSINESS:

Vacancy Request – DPW/School Custodian:

A Position Vacancy Request was before the Board for Custodian to the DPW and Schools. The date of the vacancy for the 40-hour per week position is September 23, 2014 at Step 1 of the intended pay scale.

Motion made by Selectman Cahalane to approve the Position Vacancy Request for Custodian to the DPW and Schools.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Vacancy Request – DPW – Maintainer 1 Position:

Catherine Laurent, DPW Director submitted an additional Position Vacancy Request to the Selectmen for approval for the job of Maintainer 1 at Step 1 of the intended pay scale. The date of the vacancy is October 2, 2014 for the 40-hour per week position.

Motion made by Selectman Cahalane to support the Position Vacancy Request for Maintainer 1 to the DPW as referenced.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Library Board of Trustees – Joint Appointment:

Due to the lack of a full voting quorum, the appointment of a Library Trustee was deferred to the next regularly scheduled Selectmen's Meeting.

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LIAISON REPORTS:

Oktoberfest: As a reminder, the annual Oktoberfest scheduled to be held in Mashpee Commons is planned on October 11th with a rain date of October 12th. It is a family-oriented event with approximately 40 crafters and food vendors. Selectman Taylor and Selectman Cahalane have offered to serve as judges for the Spelling Bee.

As part of the Oktoberfest celebration, the Chamber of Commerce is sponsoring the first annual Dunkin Donuts Shipyard Pumpkinhead Pub Run, a 10k road race, a 5k walk or run and free kids fit run scheduled to be held on Saturday, October 11, 2014.

Schools: It was noted the recent MCAS scores have been well publicized. The School Department is moving forward in a positive direction to improve testing performance.

The Mashpee High School football team is undefeated, currently 5-0. Compliments were given to the DPW for their work to prepare the game field.

Adjournment:

Motion made by Selectman Cahalane to adjourn at 6:45 p.m.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen